

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

Judy Gauthier, et. al.	§	C.A. NO. 1:07-CV-00012-TH
	§	
v.	§	Judge Thad Heartfield
	§	
<u>Union Pacific Railroad Company, et. al.</u>	<u>§</u>	<u>JURY</u>

**ORDER**

CONSIDERING THE FOREGOING Motion for Partial Summary Judgment Regarding Railroad's Duty to Maintain the Crossing filed by Defendants, Union Pacific Railroad Company, Andrew F. Granger, Brent Waguespack, Ken Rouse, Jack Mann, and National Railroad Passenger Corporation d/b/a Amtrak;

IT IS HEREBY ORDERED, ADJUDGED and DECREED that Plaintiffs' claims that Union Pacific Railroad Company was negligent for the alleged failure to adequately construct and maintain the approaches to the Eddy Street crossing be and the same are hereby dismissed with full prejudice and at plaintiffs' costs.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiffs' claims of negligence against defendants that the slopes of the crossing were too steep, that the roadway approach to the crossing is skewed or that the crossing approaches were not adequately maintained be and the same are hereby dismissed with full prejudice and at plaintiffs' costs.